

875—218.1(91D) Executive. “Employee employed in a bona fide executive...capacity” means any employee:

218.1(1) Whose primary duty consists of the management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;

218.1(2) Who customarily and regularly directs the work of two or more other employees therein;

218.1(3) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight;

218.1(4) Who customarily and regularly exercises discretionary powers;

218.1(5) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of the hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in 218.1(1) to 218.1(4) of this definition: Provided, that this subrule shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20 percent interest in the enterprise in which employed; and

218.1(6) Who is compensated for services on a salary basis at a rate of not less than \$310 per week, exclusive of board, lodging, or other facilities, provided that an employee who is compensated on a salary basis at a rate of not less than \$500 per week, exclusive of board, lodging, or other facilities, and whose primary duty consists of the management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all the requirements of this rule.

SOURCE: 29 CFR 541.1.